THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9755 of 1998

ORAL ORDER:

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This writ petition is filed seeking a Mandamus declaring the action of the respondents 1 and 2 in not approving the post of Attender (aided) in Sri Ramachandra Arts and Science College, Kothagudem, Khammam district and not paying salary to the petitioner in the scale of Rs.740-15-950-20-1150 from 26.4.1993 to 25.5.1994 as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to approve the aided post of Attender under the control of third respondent and pay salary to the petitioner from 26.4.1993 to 25.5.1994.

It appears, petitioner's husband M.Indu Babu while in service of Government Junior College died in harness, therefore, petitioner applied for compassionate appointment in the third respondent College. The petitioner was appointed on compassionate grounds with effect from 26.4.1993 on a consolidated pay of Rs.500/- subject to approval by the competent authority. Further, the third respondent also entertained a doubt as to whether compassionate appointment should be made in an aided college for the death of the husband of the petitioner who worked in the Government Junior College. While that was pending, in the meanwhile, she was appointed as Attender in the Government Degree College on compassionate grounds with effect from 26.5.1994. Now the complaint of the petitioner is that she was appointed against a regular aided vacancy in the third respondent college with effect from 26.4.1993 and she worked as such till 25.5.1994, therefore, she is entitled for regular salary in the timescale attached to the post during that period and further the said appointment needs to be approved by the respondents.

There is no necessity of going into all the details.

The facts stated above do not inspire the confidence of the Court to go into details. In fact the petitioner was not entitled for absorption against an aided vacancy in the aided college. Since the husband of the petitioner

worked in a Government Junior college, she was entitled for appointment in any Government college. In this case, inadvertently, the third respondent seems to have appointed the petitioner on a consolidated pay of Rs.500/- and sought clarification from the higher authorities. By the time, they realized that no such appointment should have been made, the petitioner was appointed as Attender in a Government Degree College. Therefore, neither the petitioner is entitled for the salary from 26.4.1993 to 25.5.1994 nor the respondents are duty bound to approve her appointment. The writ petition is misconceived and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 4.4.2007

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IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9755 of 1998

Date: 4th April, 2007

Between:

M.Bharathi

.. Petitioner

And

The Commissioner of Collegiate Education,
Andhra Pradesh, Hyderabad & others.

.. Respondents